

Beasley, Lynn

From: Jacob, Sicy
Sent: Wednesday, April 09, 2014 2:00 PM
To: Beasley, Lynn
Subject: FW: Ammonia Releases from Ag Operations

Isn't this rule on hold or under law suit or something? Thanks.

*Sicy Jacob
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U.S. EPA, MailCode 5104A
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Washington DC 20004
(202) 564-8019*

From: Weeks, Victor
Sent: Wednesday, April 09, 2014 10:58 AM
To: Falconer, Caron
Cc: Haas, Craig; Jacob, Sicy
Subject: RE: Ammonia Releases from Ag Operations

On December 18, 2008, EPA published a Final Rule, "CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms (73 FR 76948) ("the Final Rule"). ([Hide](#))

The Final Rule established exemptions from certain reporting requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Emergency Planning and Community Right to Know Act (EPCRA). On January 15, 2009, Waterkeeper Alliance, Sierra Club, the Humane Society of the United States, Environmental Integrity Project, the Center for Food Safety, and Citizens for Pennsylvania's Future (collectively, "Waterkeeper") filed a Petition for Review of the Final Rule. The petition challenged the exemptions under both CERCLA and EPCRA. On March 17, 2009, the National Pork Producers Council filed its Petition for Review challenging a portion of the Final Rule that amended the EPCRA regulations. The two cases were consolidated. On February 11, 2009, the National Chicken Council, National Turkey Federation, and U.S. Poultry & Egg Association moved to intervene on behalf of EPA to assert their interests in the Final Rule. The case was held in abeyance so that the Parties could participate in the D.C. Circuit Mediation Program. While the mediation process did not resolve the issues raised by all of the Parties, it did raise issues warranting reconsideration of the final rule by EPA. As such, EPA sought and received a voluntary remand, without vacatur of the Final Rule during the re-evaluation period. In this action, EPA is reconsidering the Final Rule based on (1) policy choices that were initially made in the promulgation of the Final Rule, (2) views that were articulated by the Parties during the mediation process and (3) additional data that is now available. The additional data includes data that was collected as part of the National Air Emissions Monitoring Study (NAEMS). EPA's Science Advisory Board (SAB) is currently evaluating draft emissions estimating methodologies (EEMs) based on the NAEMS data. Because EPA intends to use final EEMs as part of the proposed rule, the schedule for the publication of the proposed rule is dependent on a timely finalization of those EEMs.

Sincerely,

Victor L. Weeks
U.S. EPA Region 4
Air, Pesticides & Toxics Management Division
Chemical Emergency Preparedness & Prevention Coordinator
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From: Falconer, Caron
Sent: Wednesday, April 09, 2014 9:57 AM
To: Kemker, Carol; Weeks, Victor
Cc: Fifadara, Dipesh
Subject: RE: Ammonia Releases from Ag Operations

Ammonia releases from hog farms are reportable.

Please let me know if you need more information.

From: Kemker, Carol
Sent: Wednesday, April 09, 2014 9:29 AM
To: Falconer, Caron; Weeks, Victor
Cc: Fifadara, Dipesh
Subject: Ammonia Releases from Ag Operations

Caron and Victor,

What was the final determination of whether or not ammonia releases from ag operations, like hog farms, are reportable?

Thanks,
Carol